



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marshall, et al.

Docket No.: BAL-99B (16843B)

Serial No.: 09/977,556

Group No.: 1743

Confirmation No.: 1968

Examiner: Unknown

Filed: October 15, 2001

Date: November , 2002

For: System For The Detection Of Urease And Method For Using Same

RECEIVED
NOV 20 2002
1700

RELATED U.S. PATENT APPLICATIONS

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

The following commonly assigned U.S. Patent Applications are being cited to the Examiner for review and consideration. Enclosed please find copies of these applications. Once the applications have been reviewed, it is requested that the Examiner place his or her initial to the left of the identified patents on the list document to indicate that the specific patent applications have been considered.

RECEIVED

RELATED U.S. APPLICATIONS

DEC 09 2002

TECH CENTER 1600/2900

<u>Examiner's Initial</u>	<u>Inventor</u>	<u>Serial Number</u>	<u>Filing Date</u>	<u>Title of Application</u>
_____	McMichael, et al.	09/977,539	10/15/01	Methods For Performing Multiple Disagnostic Tests
_____	Marshall, et al.	09/977,546	10/15/01	Systems For Performing Multiple Diagnostic Tests
_____	Peterson, et al.	09/977,547	10/15/01	System For Diagnostic Testing
_____	Marshall, et al.	09/977,555	10/15/01	Method For The Detection Of Urease And Method For Using Same
_____	Marshall, et al.	09/977,667	10/15/01	Diagnostic Testing System And Method For Detecting <i>Helicobacter</i> <i>Pylori</i>

_____	Marshall, et al. 09/977,874	10/15/01	Composition For The Detection Of Gastrointestinal Disorders
_____	Peterson, et al. 10/026,200	12/21/01	Carrier And Specimen-Handling Tool For use In Diagnostic Testing
_____	McMichael, et al. 29/149,654	10/15/01	Diagnostic Test Carrier
_____	McMichael, et al. 29/149,656	10/15/01	Specimen-Handling Tool
_____	Peterson, et al. 29/152,422	12/17/01	Two-Well Diagnostic Test Kit With Specimen-Handling Tool
_____	Peterson, et al. 29/152,423	12/17/01	Diagnostic Test Kit
_____	Peterson, et al. 29/152,428	12/17/01	Diagnostic Test it With Specimen-Handling Tool
_____	Peterson, et al. 29/152,429	12/17/01	Test Kit Specimen-Handling Tool
_____	Peterson, et al. 29/152,430	12/17/01	Tool For Handling A Specimen
_____	Peterson, et al. 29/152,444	12/17/01	Specimen-Handling Tool



ATTORNEY DOCKET NO.: BAL-99B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Barry J. Marshall, et al.)	EXAMINER: Unknown
)	
Serial No.: 09/977,556)	Art Unit: 1743
)	
Filed: October 15, 2001)	Confirmation No. 1969
)	
For: System For The Detection Of Urease And)	Our Account No. 04-1403
Method For Using Same)	

Letter

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

RECEIVED

DEC 09 2002

RECEIVED
NOV 20 2002
1700

Sir:

TECH CENTER 1600/2900

The attached Information Disclosure Statement includes five references, French Patents 5.877M and 2442268, German Patent No. 867426, Japanese Patent No. 58077663, and European Patent No. 0721989, for which no English translations are within the possession, custody, or control of, or are readily available to any individual designated to C.F.R. §1.56(c). It is respectfully submitted that the relevance of these references to the present application may be understood from the figures included in the references. In addition, English translations of the Abstract of German Patent No. 867426 and Japanese Patent No. 58077663 have been obtained, copies of which are included in the accompanying Information Disclosure Statement.

Respectfully submitted,

DORITY & MANNING, P.A.

11/13/02
Date

Christina L. Mangelsen, Patent Agent
Reg. No. 50,244
P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
FAX (864) 233-7342



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

1743
#4

Application of: Barry J. Marshall, et al. Attorney Docket No.: BAL-99B (16843B)
Serial No.: 09/977,556 Date: November 13, 2002
Filed: October 15, 2001 Art Unit: 1743
Confirmation No.: 1968 Our Account No.: 04-1403
Title: System for the Detection of Urease and Method for Using Same

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

RECEIVED

DEC 09 2002

RECEIVED
NOV 20 2002
TC 1700

Sir:

TECH CENTER 1600/2900

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1. ☒ Attached hereto is:

- a. ☒ A list of materials for consideration per Rule 98(a)(1): 3 page(s)
- b. ☒ A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98(c) and/or (d) and as indicated on the attached list(s):
94 item(s)
- c. ☐ For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: _____
- ☐ Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2. ☒ This Information Disclosure Statement is being filed [CHECK ONE]:

- a. ☒ WITHIN THREE MONTHS of the application filing date or national stage date of entry OR BEFORE the mailing date of a first Office Action on the merits, whichever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.
- b. ☐ AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:
- i. ☐ Certification per Rule 97(e); OR
- ii. ☐ Filing Fee per Rule 17(p)\$180.00
- c. ☐ AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:
- i. Certification per Rule 97(e); AND
- ii. Filing fee per Rule 17(p)\$180.00

3. ☐ Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

- a. ☐ That each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
- b. ☐ That no item of information contained in this Information Disclosure Statement was first cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: _____ Signature: _____
Address: _____ Date: _____

4.[X] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

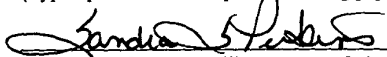
5.[X] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

a.[X] First Class Mail Certificate of Mailing under Rule 8:

I hereby certify that this correspondence and any referenced attachment and/or fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231, on November 13, 2002.

Sandra S. Perkins

(Typed/printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

b.[X] "Express Mail" Certificate under Rule 10:

"Express Mail" - Label No. _____

Date of Deposit _____

I hereby certify that this paper and all attachments and any fee are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patent, U.S. Patent and Trademark Office, Washington, D.C. 20231.

(Typed/printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

ADDRESS:

Post Office Box 1449
Greenville, South Carolina 29602
Telephone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING, P.A.

By: Christina L. Mangelsen, Patent Agent

Reg. No.: 50,244

Signature: 

Date: November 13, 2002



Information Disclosure Statement List By Applicant Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number BAL-99B (16843B)	Serial Number 09/977,556
	Applicant Barry J. Marshall, et al.	
	Filing Date: October 15, 2001 Confirmation No.: 1968	Group 1743

NOTE: If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]

- (1) This item is cumulative, per Rule 98(c)
- (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:
USSN _____, filed _____, or
USSN _____, filed _____;
Relied on under 35 U.S.C. Section 120, per Rule 98(d)
- (3) Both reasons (1) and (2) apply
- (4) No legible complete copy is possessed, in custody of controlled, or readily available

RECEIVED

NOV 20 2002

TC 1700

U.S. PATENT DOCUMENTS												
EXAMINER INITIALS		PATENTEE NAME		PATENT NUMBER							ISSUE DATE	COPY NOTE
		Amiot	D	2	4	1	8	0	3		10/12/76	
		Amiot	D	2	4	9	7	7	2		10/03/78	
		Kowalski	D	2	6	6	4	3	4		10/05/82	
		San Antonio	D	2	7	1	3	7	0		11/15/83	
		Corvell, et al.	D	2	8	8	7	1	6		03/10/87	
		Kaprelian	D	3	0	1	3	7	1		05/30/89	
		Brewer, Jr.	D	3	2	7	3	2	2		06/23/92	
		Santora	D	3	2	8	3	4	7		07/28/92	
		Han	D	3	3	1	8	0	0		12/15/92	
		Brewer, Jr.	D	3	6	8	5	2	0		04/02/96	
		Chan, et al.	D	3	9	0	6	5	9		02/10/98	
		Huttner	D	3	9	3	3	1	2		04/07/98	
		Huttner	D	4	1	5	2	7	5		10/12/99	
		Maissami	D	4	1	9	2	3	8		01/18/00	
		Huttner	D	4	2	0	1	3	3		02/01/00	
		Huttner	D	4	2	3	6	6	9		04/25/00	
		Huttner	D	4	2	8	4	8	9		07/18/00	
		Fourie, et al.	D	4	2	8	9	9	1		08/01/00	
		Tang	D	4	3	5	2	9	3		12/19/00	
		Gomes, et al.	D	4	3	8	9	7	9		03/13/01	
		Huttner	D	4	4	5	5	0	3		07/24/01	
		Huttner, et al.	D	4	4	7	2	3	7		08/28/01	
		Grisoni	D	4	5	2	9	3	6		01/08/02	
		Leebrick	3	2	4	7	0	5	1		04/19/66	
		Kohn	3	4	1	1	7	2	3		11/19/68	
		Shannon	3	6	5	3	3	8	9		04/04/72	
		McDonald	3	8	2	8	7	6	5		08/13/74	
		Cammarata	3	8	5	2	4	1	3		12/03/74	
		Monte, et al.	3	8	7	6	5	0	2		04/08/75	
		Fredricks	4	0	1	6	8	6	5		04/12/77	
		Marshall	4	0	2	7	6	5	8		06/07/77	
		Bunke	4	1	3	2	5	0	2		01/02/79	
		Rauschenberger	4	1	6	0	5	0	5		07/10/79	
		Beddow	4	2	2	6	3	2	8		10/07/80	
		Dunsky	4	2	9	3	0	7	4		10/06/81	
		Sack, et al.	4	5	4	8	8	0	5		10/22/85	
		Kuperus	4	5	8	1	5	2	1		04/08/86	
		Hasselbrack	4	6	2	0	5	4	8		11/04/86	
		Jaicks	4	6	4	1	6	6	2		02/10/87	
		Bowman, et al.	4	7	3	6	8	5	0		04/12/88	
		Zwick	4	7	7	7	9	4	7		10/18/88	



Information Disclosure Statement List By Applicant Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number BAL-99B (16843B)	Serial Number 09/97 56
	Applicant Barry J. Marshall, et al.	
	Filing Date: October 15, 2001	Group 1743
	Confirmation No.: 1968	

	Siegel	4	8	0	3	9	8	3	02/14/89	
	Vasquez, et al.	4	8	5	1	2	0	9	07/25/89	
	Zwick	4	9	3	2	9	5	7	06/12/90	
	Hamilton	4	9	4	7	8	6	1	08/14/90	
	Goulter	4	9	5	5	9	7	1	09/11/90	
	Yeh	5	1	1	6	3	4	6	05/26/92	
	Skiba, et al.	5	1	4	9	5	0	6	09/22/92	
	Fan, et al.	5	1	8	2	1	9	1	01/26/93	
	Atkins	5	2	2	8	2	0	1	07/20/93	
	Chuba	5	2	3	8	6	5	1	08/24/93	
	Horan, et al.	5	3	3	9	9	5	5	08/23/94	
	McLucas	5	3	4	8	0	2	3	09/20/94	
	Seymour	5	3	8	0	4	9	2	01/10/95	
	McDonough, et al.	5	4	3	1	8	8	4	07/11/95	
	Levy	5	4	4	9	0	7	1	09/12/95	
	Treace, et al.	5	4	9	4	1	6	2	02/27/96	
	Wilson	5	5	0	1	5	9	7	03/26/96	
	Moulton-Barrett, et al.	5	5	4	2	4	1	9	08/06/96	
	Faulkner	5	6	2	4	5	5	4	04/29/97	
	Jackson	5	6	6	8	0	1	1	09/16/97	
	Svanberg	5	6	8	2	6	6	5	11/04/97	
	Porter, et al.	5	7	0	9	8	3	8	01/20/98	
	Ito, et al.	5	7	1	9	0	5	2	02/17/98	
	Palmer, et al.	5	7	2	2	4	2	2	03/03/98	
	Phillips	5	8	4	8	9	7	5	12/15/98	
	D'Angelo, et al.	5	9	8	9	8	4	0	11/23/99	
	Burnie	6	0	3	9	9	5	9	03/21/00	
	Katzman	6	0	6	7	9	8	9	05/30/00	
	Slonim	6	1	1	6	4	2	6	09/12/00	
	Depui, et al.	6	1	8	3	7	7	6	02/06/01	
	Raz, et al.	6	2	9	1	2	3	4	09/18/01	
	Hayakawa, et al.	6	2	9	4	1	5	1	09/25/01	
	Malinda, et al.	6	3	0	9	8	1	8	10/30/01	

TECH CENTER 1600/2900

DEC 09 2002

RECEIVED

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	COUNTRY	DOCUMENT NUMBER	PUBLICATION DATE	TRANSLATION			COPY NOTE
				YES	NO	N/A	
	FRANCE	5 8 7 7 M	03/18/68		X		
	FRANCE	2 4 4 2 2 6 8	11/20/79		X		
	GERMANY	8 5 7 4 2 6	02/16/53		X		
	JAPAN	5 8 0 7 7 6 6 3	05/11/83		X		
	EP	0 3 6 5 4 5 9 A1	04/25/90			X	
	EP	0 6 0 6 6 5 1 A3	07/20/94			X	
	EP	0 6 0 6 6 5 1 B1	07/20/94			X	
	EP	0 7 2 1 8 9 8 A1	07/17/96		X		
	WO	9 4 2 2 3 8 0	10/13/94			X	
	WO	9 5 1 1 6 7 2	05/04/95			X	
	WO	9 6 1 4 0 9 1	03/17/96			X	
	WO	9 7 4 0 8 5 6	11/08/97			X	
	WO	9 8 5 4 5 6 3	12/03/98			X	
	WO	9 9 0 2 1 0 1	01/21/99			X	
	WO	9 9 2 5 2 5 1	05/27/99			X	
	WO	9 9 5 1 7 6 9	10/14/99			X	



(Rev. 5/92) Information Disclosure Statement List By Applicant Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number BAL-99B (16843B)	Serial Number 09/977,556
	Applicant Barry J. Marshall, et al.	
	Filing Date: October 15, 2001 Confirmation No.: 1968	Group 1743

	WO	9	9	6	1	8	9	2		12/02/99			X	
	WO	0	0	4	7	7	1	0		08/17/00			X	
	WO	0	0	4	7	7	1	0	A1	08/17/00			X	

*"NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER INITIALS	OTHER DOCUMENTS Specify author (if any), Title, Pertinent Pages, Date & Place of Publication	COPY NOTE
EXAMINER	DATE CONSIDERED	
Examiner:	initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.	

TECH CENTER 1600/2800

DEC 09 2002

RECEIVED

RECEIVED

NOV 20 2002

TC 1700